

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Panchayat Raj & Rural Development Department – Rules relating to Andhra Pradesh Gram Panchayat (Protection of property) Rules – Orders – Issued.

PANCHAYAT RAJ AND RURAL DEVELOPMENT (Pts.IV) DEPARTMENT

G.O.Ms.No. 188

Dated: 21st July, 2011
Read the following:-

1. From the Hon'ble Supreme Court of India, Order dt.28.1.2011 in Civil Appeal No.1132/2011 SLPC.No.3109/2011 filed by Jagpal Singh and others versus State of Punjab and others.
2. From the CPR&RE, Hyd., D.O.Lr.No.2920/ CPR & RE/D2/2011, dt.2.4.2011 and Letter dt.17.05.2011.

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ORDER:

The Hon'ble Supreme Court of India, in its order dated 28.1.2011 in Civil Appeal No.1132/2011 @ SLP C.No.3109/2011 filed by Jagpal Singh and others versus State of Punjab and others has given directions to the all the State Governments that the State Governments to prepare scheme for eviction of illegal / unauthorized occupation of Gram Sabha / Gram Panchayats / Poramboke / Shamlat lands and the same should be restored to the Gram Sabha / Gram Panchayat for the common use of villagers of the Village. The said scheme should provide for the speedy eviction of such illegal occupants, after giving him/her a show cause notice and a brief hearing. Keeping in view said judgment of the Hon'ble Supreme Court of India, the Government have examined the matter in accordance with the provisions of the Andhra Pradesh Panchayat Raj Act'1994 (Act No.13 of 1994) and decided to issue the following rules.

The following Notification will be published in the Extra Ordinary Issue of the Andhra Pradesh Gazette, Dated 22.07.2011.

NOTIFICATION

In exercise of the powers conferred under sub-section (1) of Section 268 of the Andhra Pradesh Panchayat Raj Act'1994 (Andhra Pradesh Act No.13 of 1994), the Governor of Andhra Pradesh here by makes the following rules.

RULES

1. Short title:-

- (i) These rules may be called the Andhra Pradesh Gram Panchayats (Protection of property) Rules, 2011.
- (ii) These rules shall come into force with immediate effect.

2. Classification of Gram Panchayat properties :-

- (1) The lands belonging to Gram Panchayats shall be classified into three categories as follows:-

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(i) CATEGORY- A: OWN AND ACQUIRED

All general roads and drains, cattle pounds, cattle sheds, common market areas, 10% open spaces in layouts, existing parks, lands purchased by the Gram Panchayats.

(ii) CATEGORY-B: GIFTS, DONATIONS, TRANSFER OF LANDS to Gram Panchayats.

(iii) CATEGORY-C: VESTED WITH GRAM PANCHAYATS

All public water works, All public water courses, Springs, Reservoirs, Tanks, cisterns, Fountains, Wells, Stand Pipes and other water works (as per section 80 of Andhra Pradesh Panchayat Raj Act) Minor Irrigation Tanks, Tank bunds and all water bodies and vested porambokes (Grazing Lands threshing floors, Burning and Burial grounds, cattle stands, cart stands topes.

(2) The Gram Panchayats shall keep on accumulating properties (category A & B) year by year perpetually, as and when new Layout plans are approved in Gram Panchayat area.

(3) In respect of lands identified under categories A & B, the responsibility of protection of such lands lies solely with the Gram Panchayat.

(4) In respect of category 'C' lands, the Protection of such lands lies not only with Gram Panchayat but also with Revenue Department.

3. Procedure to be followed for protection of Gram Panchayat Properties:-

(a) Preparation of inventory:

- (i) The executive authority (Panchayat Secretary) of the Gram Panchayat shall prepare inventory of landed properties of the Gram Panchayats based on FMB (Field Measurement Book) / FSA (Field Survey Atlas) and field inspections.
- (ii) District Collectors shall instruct the Tahsildars to provide the above information to the executive authority (Panchayat Secretary).
- (iii) Web based solutions may be evolved over a period of time to locate Gram Panchayat lands in the public domain.

(b) Validation in Gram Sabha and Gram Panchayat:

- (i) After obtaining the land inventory details the executive authority (Panchayat Secretary) shall convene Grama Sabha and validate the information.
- (ii) Later the Gram Panchayat shall convene its meeting to discuss and approve the land inventory details by passing a resolution.

(iii) If any objections are received in the Grama sabha and Grama Panchayat meetings, the same shall be settled as per the recorded evidence.

(c) Gazette publication and placing in web:

- (i) The Gram Panchayat land inventory details approved by the Gram Panchayat shall be published in the District Gazette.
- (ii) The information published in the district Gazette may be placed in the web domain and updated from time to time.

4. EVICTION OF ENCROACHMENTS:

- (i) Where it is brought to the notice that any property of the Panchayat is under occupation of any persons the Executive authority (Panchayat Secretary) shall serve a notice to the party concerned and give a brief hearing before proceeding for eviction.
- (ii) Suitable orders shall be passed by the Executive authority (Panchayat Secretary) before actual eviction takes place.
- (iii) The Divisional Panchayat Officer will conduct a monthly review of these cases for protecting Gram Panchayat properties in his jurisdiction through monitoring the process of eviction. He will also give periodical reports to District Panchayat Officer, who will review the cases once in two months.
- (iv) The Executive authority (Panchayat Secretary) may take necessary assistance from the police as per section 139 of the Andhra Pradesh Panchayat Raj Act'1994.
- (v) The evicted property of the Gram Panchayat shall be protected by making fencing or by constructing a compound wall depending on the value of the property and by displaying a notice board.
- (vi) A permanent register on encroachment of Panchayat properties shall be maintained in all Gram Panchayats and the same will be validated in the Gram Sabha and Gram Panchayat meetings at least twice in a year.
- (vii) Aggrieved parties may file representations to the Executive authority (Panchayat Secretary) concerned by marking a copy to the Divisional Panchayat Officer.
- (viii) The petitions filed by the aggrieved parties will be monitored and disposed of by the Divisional Panchayat Officer / District Panchayat Officer.

5. ADMINISTRATIVE ARRANGEMENTS : A separate cell at district level in the Office of the District Panchayat Officer by name Gram Panchayat (Protection of properties) shall be constituted to monitor and protect Gram Panchayat properties from time to time.

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6. The supporting staff for taking up these activities at the Divisional Panchayat Office / District Panchayat Office shall be provided as per necessity, from out of the available Junior Assistants to assist the Divisional Panchayat Officer / District Panchayat Officer in the eviction process from time to time.

7. At District level a High Power Committee shall be constituted with the following Officers to meet every three months and review the progress of identification and removal of encroachments.

1) District Collector	-	Chairman
2) Joint Collector	-	Member
3) Superintendent of Police	-	Member
4) Superintending Engineer (P.R)	-	Member
5) Superintending Engineer (R&B)	-	Member
6) Superintending Engineer (Irrigation)	-	Member
7) Assistant Director (Survey & Land Records)	-	Member
8) Assistant Director (Mines)	-	Member
9) District Panchayat Officer	-	Member Convenor

8. At Commissionerate level, a Vigilance & Enforcement Wing shall be constituted with Additional Commissioner / Deputy Commissioner to protect the Gram Panchayat properties and to monitor the activities of district level Cells.

9. Regulation of any matter:- The Commissioner, Panchayat Raj and Rural Employment shall be the final authority in regard to the regulation of any matter arising out of the application of these rules.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. RAJIV SHARMA
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Commissioner, Printing, Stationery and Stores Purchase,
Chanchalguda, Hyderabad (with a request to publish in the Gazette
Notification and furnish 500 copies immediately)

Copy to:

The Commissioner, Panchayat Raj and Rural Employment, A.P., Hyderabad.
All the District Collectors in the State.
All the Chief Executive Officers, Zilla Praja Parishad in the State.
All the District Panchayat Officers in the State
The P.S. to Special Secretary to C.M
The P.S. to Minister (PR&RWS)
The P.S. to Minister (Finance)
The P.S. to Special Chief Secretary to Govt. (Finance)
The P.S. to Principal Secretary to Govt. (PR)
Sc/Sf.

//FORWARDED::BY ORDER//

SECTION OFFICER